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LETTER DATED 10 JANUARY 2000 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I write to reconfirm the well-known position of the Republic of Croatia and to register a few additional points on the security issue of the Prevlaka Peninsula, which shall in the coming days be considered by the Security Council under the item entitled "Situation in Croatia".

1. Although Croatia's position on this matter has been explained in our earlier submissions to the Council, I wish to summarize it one more time:

(a) The Prevlaka Peninsula constitutes an integral part of the Republic of Croatia, as evidenced, inter alia, by the map of Herceg Novi-50-6H5-Ja (Basic State Chart, issued by the Federal Geodetic Administration of the Socialist Federal Republic of Yugoslavia, Titograd/Belgrade, 1970, 1:5000);

(b) The land border at Prevlaka between the former Socialist Republics of Croatia and Montenegro not only existed at the time of the dissolution of the former Socialist Federal Republic of Yugoslavia, when Croatia was constituted as an independent State, but was also recognized explicitly as such by the Montenegrin Parliament in October 1991;

(c) Upon the dissolution of the former Socialist Federal Republic of Yugoslavia, the borders of its former constituent republics became, on the basis of the relevant rules of international law, frontiers protected by international law. These rules have been confirmed in the relevant Opinions issued by the Arbitration Commission of the European Union/United Nations International Conference on the Former Yugoslavia (Badinter Commission), which were rendered under the auspices of the Conference upon the initiative of Serbia and Montenegro;

(d) Moreover, in 1992 the Prime Minister and the Head of the Joint Chief of Staff of the Federal Republic of Yugoslavia signed a map of Prevlaka with a line clearly indicating the existing border between the two States and then forwarded it, together with a cover letter containing an explicit pledge to execute the agreement, to the then Special Representative of the Secretary-General, Cyrus Vance, and General Satish Nambiar, Commander of the United

Nations Protection Force (S/1999/783, annex I). The reference "Avnojska granica" on the map pertains to the border agreed upon at the Conference of AVNOJ (Anti-Fascist Council for the National Liberation of Yugoslavia), held in 1943. The land borders among the constituent republics of the former Yugoslavia were agreed to at that Conference. Subsequently, these borders were formalized and honoured in the former Yugoslavia as the borders of its constituent republics, and they have been commonly referred to as "Avnojske granice" ever since;

(e) When confronted with this glaring evidence of the absence of any territorial dispute, as far as the land border is concerned, during the fourth round of bilateral negotiations on the security issue of Prevlaka, held in Belgrade on 9 March 1999, the Yugoslav side questioned the authenticity of signatures of its above-mentioned high officials. The Croatian side has since repeatedly requested, but to no avail, an official response from the Chairman of the Yugoslav delegation and proposed in July 1999 that the next meeting be held in Zagreb during the month of September 1999. The determination of the date of the next meeting was therefore left open, pending the reply of the Yugoslav delegation concerning the authenticity of the signatures;

(f) A courtesy translation of the letter containing such request and proposal, dated 29 July 1999, which was sent by the Head of the Croatian delegation to the Chairman of the Yugoslav delegation, was also forwarded to the United Nations Secretariat on 3 August 1999;

(g) On 19 October 1999, we wrote to the Secretary-General and requested his assistance in authenticating the document in question. My Government appreciates the Secretariat's kind response and their position that they had no reason to believe that the signatures of Prime Minister Panić and General Života Panić were not authentic. We look forward to hearing from the Secretariat, once they have approached the United Nations officials who were involved with this matter at the time, since the confirmation of the authenticity of this document and signatures shall go a long way towards resolving the issue of Prevlaka. We expect the support of the Security Council for this fully justified request.

2. As long as the Yugoslav side refuses to honour its obligations and persists on its quest to alter existing international borders between the Republic of Croatia and the Federal Republic of Yugoslavia, the Republic of Croatia remains deprived of any justifiable basis upon which to proceed with bilateral negotiations on the permanent resolution of the security issue of Prevlaka. The Croatian delegation stands ready to engage in serious negotiations on the future bilateral security regime for Prevlaka and the neighbouring areas of Dubrovnik and the Bay of Kotor, starting from the full respect for existing, internationally recognized border of the Republic of Croatia.

3. The representatives of the Government of Montenegro, one of the two constituent units of the Yugoslav federation, remain unrepresented in the Yugoslav delegation as a result of the refusal of the Government in Belgrade to open the southern border between the Republic of Croatia and the Federal Republic of Yugoslavia, namely, owing to the deep constitutional crisis in the Federal Republic of Yugoslavia. Given that the delimitation at sea has yet to be undertaken, and considering the provisions of the Federal and Montenegrin

constitutions on the question of borders, the absence of the Montenegrin representatives from the Yugoslav delegation renders the legitimacy of any outcome doubtful. Several policy and legal measures that were taken by the international community against high-level Yugoslav federal officials in the past months further compound the existing problems in case of the resumption of bilateral negotiations.

4. In reviewing the most recent communications from the Federal Republic of Yugoslavia to the Secretary-General (S/1999/1278) and to the President of the Security Council (S/1999/1280) pertinent to this matter, I am heartened to learn about the alleged withdrawal of Yugoslav Army units from the Bjelotina site. I cannot help noticing, however, that by this "act of good will" the Yugoslav side has matched, only seven years belatedly, the act of demilitarization that Croatia undertook in 1992 in accordance with agreements reached between the two States.

5. The Republic of Croatia has been on the record all along as stating that the demilitarization of Prevlaka has already contributed and will further contribute to reducing tensions and stabilizing the entire area. The opening and operation of the border crossings at Debeli Brijeg and Konfin in the Prevlaka range resulted in demonstrable confidence-building among the local population from both sides of the international border, while providing the first beachhead of the renewed commercial and other civilian ties between Croatia and Montenegro. Unhindered civilian access throughout the entire Prevlaka range and the opportunity to use the natural resources (fishing and agriculture) would further strengthen stability and confidence in the local population and thus be another important step towards full normalization of relations. This is the right path to proceed on in the future, and one which we hope the members of the Security Council will both fully recognize and effectively support.

I should like to request your kind assistance in distributing the present letter as a document of the Security Council.

(Signed) Ivan ŠIMONOVIĆ
Permanent Representative